

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 1:03cr93WJG-1

GERALD HAWTHORNE DUFFY

ORDER DENYING MOTION FOR SENTENCE REDUCTION

THIS MATTER is before the Court on the motion [113] of Defendant Gerald Hawthorne Duffy for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) based upon recent amendments to the sentencing guidelines applicable to offenses involving cocaine base, and the subsequent decision by the United States Sentencing Commission [Sentencing Commission] to make this amendment retroactive, pursuant to United States Sentencing Guideline section 1B1.10 effective March 3, 2008.

Defendant was sentenced in this cause on June 2, 2004, to 188 months imprisonment, 4 years supervised release, and the mandatory special assessment of \$100.00. (Ct. R., Doc. 74.) Because his sentencing recommendation under the guidelines was based on cocaine power and not crack cocaine, Defendant does not qualify for the two-point reduction under the guideline amendment. The Court therefore finds that Defendant's motion is not well-taken and should be denied. It is therefore,

ORDERED AND ADJUDGED that Defendant's motion [113] for sentence reduction be, and is hereby denied.

SO ORDERED AND ADJUDGED this the 20<sup>th</sup> day of May, 2009.

*Walter J. Geoghegan*  
UNITED STATES SENIOR DISTRICT JUDGE